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S P E E C H

OF THE

RIGHT HON. J. G. HUBBARD, M.P.,

ON

MR. OSBORNE MORGAN'S RESOLUTION

RESPECTING

THE BURIALS QUESTION.

WITH A PREFACE.

DELIVERED

IN THE HOUSE OF COMMONS

FRIDAY, FEBRUARY 15, 1878.

L O N D O N :

THE CHURCH DEFENCE INSTITUTION,
ST. STEPHEN'S CHAMBERS, 9, BRIDGE STREET, WESTMINSTER.

1878.

PREFACE.

THE republication of the following Speech at the desire of the Church Defence Institution presents an opportunity of noticing some points raised in the Burials Debate of 15th February, 1878, and of reviewing the position which the Burials Question now occupies.

The omission by Mr. Osborne Morgan of the expression "Christian, Religious, and Orderly," as a qualification of the services to be permitted in the open churchyard, was significant of his attempt to conciliate the two opposite classes whom he wooed as auxiliaries, when he frankly declared himself ready to insert or omit the words, as either course might secure him his indispensable allies. But will the religious party who would have laboured with Lord Harrowby to organise ministrations by Ministers of any denomination, *provided the services be Christian*, fraternise with the Secularists and Infidels, who will admit no limitation to the liberty of speech or action within the precincts of what both parties for the moment at least designate "public property"?

English honesty should render an alliance for any purpose of such discordant elements impossible.

More than one speaker on Mr. Morgan's side contrasted the 30,000 lay subscribers to a Protest against his Resolution with the 15,000 Clergy who had signed a similar Protest, and used the contrast as an evidence of the comparatively few laymen who supported the Clergy in their contention. But the inference was wholly unwarrantable. That

three-fourths of the English Clergy should unite in the expression of their feeling and desire upon a grave public question affecting not less their parishioners than themselves was a fact of extreme importance, neither heightened nor diminished by the subsequent subscription by 30,000 laymen of a similar Protest, presented, not for its numerical force, but for the large proportion it comprised of names of men eminent by their position, rank, and character.

Mr. Bright is reported in "The Times" to have spoken thus: "There remains this other argument—that half the population of England and Wales are Non-conformists and that these people are of opinion that an injustice is upheld by Parliament as long as the measure is refused." This grave mis-statement has been often made, it has been as often refuted, but every re-assertion should be followed by a refutation.

The assertion that half the English people were dissenters from the English Church, first made by Sir Morton Peto in 1862, was grounded upon an unwarrantable inference from the inaccurate statistics comprised in an unauthorised Report in 1851 on "Religious Worship." A genuine religious census which would have numbered the several religious denominations in the country has been steadily and successfully opposed by the Non-conformists, but, in the absence of such a census, we may refer to official returns* bearing on the religious profession of the people, and from a comparison of these we conclude that if a religious

* V. Note, p. 9.



census were taken it would show three-fourths of the people of England and Wales as adherents of the National Church. Mr. Bright's estimate simply doubles the number of Dissenters, an error of some moment, when it is alleged to influence legislation to the detriment of the religious rights and liberties of English Churchmen.

Mr. Bright not only errs in estimating the numbers of Nonconformists; he errs equally in assuming them all to desire the spoliation of our Churchyards. The Lay Memorial already alluded to disclosed the anxiety of many religious Dissenters to maintain the sacred character of Parochial Churchyards. In one parish, out of 54 signatures 12, and in another out of 60 no less than 27 signatures, were those of Dissenters. It would be sad were it otherwise; and were it, indeed, the case that Nonconformity, the visible expression of religious liberty, necessarily implied a disregard for the rights or consciences of Churchmen.

Mr. Bright concluded a pathetic appeal by a request to Churchmen to "do an act of justice to *the half of the population.*" English justice is not meted out by arithmetical rule. To Englishmen, however few, no "act of justice" should be refused; but is that which is demanded "justice"?

That it may be a grief, a real pain to a Nonconformist not to be able to inter his deceased relative with such ceremonial and service as he prefers or to be obliged to listen to a service he dislikes is incontestable—but why is he in that disadvantageous position? It is because he or his fathers, with full knowledge of the consequences, in the exercise of

their undoubted right, separated from the established church of their country. Is it "justice" that, having so separated and by their separation divested themselves of the capacity or disposition to profit by the ministrations of the Church, they should require such a change of the law as may place at their disposal the use of the consecrated churchyards? The reply may be we only "demand a joint user"—"we only ask for the liberty granted to Dissenters in the use of the Parochial Graveyards of Scotland and Ireland." These supposed precedents have influenced the Votes of Scotch and Irish Members, greatly to the detriment of the English Church, and most unfairly, for there is no analogy between the positions of the Churchyards in England and those in Scotland and Ireland.

Our parochial Churches and Churchyards are together held under a title of unimpeachable origin—with unbroken continuity of tenure—by the Clergy, who as Trustees for the English people steadfastly oppose a conscientious disapproval to the proposed encroachment. These prominent features in the case of English Churchyards are wholly unparalleled in the assumed analogies. The parochial Kirks, Kirkyards, and manses of Scotland with their endowments are, and have been since the Reformation, vested in committees of parishioners called heritors—very commonly Episcopalians—who at their discretion can give or withhold permission for any particular burial service. Even Presbyterians must ask for leave should they wish to use a service. As a rule such leave is seldom asked, for the Westminster Confession of Faith forbids a ser-

vice at the grave, and Presbyterians do not attach to their graveyards the religious associations which endear to English Churchmen the resting places of their dead. The Law in Ireland is again quite different. The Irish Clergy, freeholders (like their English brethren) of their Churches and Churchyards, were by an Act of Parliament in 1824 empowered to permit Burials by Dissenters in the Parish Churchyards. By another Act in 1868 it was made lawful for any Dissenting Minister to officiate in the grave-yards of the Irish Church, and in the year following the Church itself was disestablished. Verily the logical and immediate sequel to the seizure of the Irish Churchyards can hardly fail to operate—not as an example but as a warning.

An impartial consideration might convince Scotch and Irish Members of Parliament that the principle of religious liberty should restrain their aiding English Dissenters in their attacks upon the National Church. As well might they join in a league for the suppression of Episcopacy as in one formed for depriving English Churchmen of the religious security of their Churchyards. The Church and the Churchyard are equally dear to loyal churchmen—they cherish with equal care God's House of Prayer and God's Acre where the bodies of the dead await their resurrection, and it would be an intense pain and grief to them that the hallowed precincts should be deprived of any of the security they now possess against profane usage. Those who cannot enter into these sentiments may call them superstitious, but even then I ask in the name of reli-

gious liberty that those sentiments and convictions be respected.

A word before I conclude to Churchmen who, Laity or Clergy, through Parliament or through the Press—while denying the existence of a grievance, advise concession “in order to settle the question.” Will our friends, in the first place, observe that “*the question*” *at stake* is not the Burial of Nonconformists, it is the continuance of a National Church; and that if the Churchyard were disestablished the agitation against the Church would proceed, with the additional vigour inspired by partial success. Confining their attention, however, to the Burials Question, will they frame a scheme which shall satisfy the 154 sects comprising the aggrieved for whom justice is demanded, and then examine how far the concession proposed for those whose right to it they themselves deny would affect the constitutional position of the Church of England, and shock the tenderest religious feelings of their own brethren in the faith?

Short of a sacrifice which ought not to be asked, Churchmen should readily co-operate to gratify the natural craving of religious Dissenters for a congenial Burial Service. There are two courses which to this end must be pursued.

1st. As to the parochial Churchyards, it may be provided, that the friends of the deceased may have the option of (*a*) an abbreviated service; or (*b*) the omission of any service; but, 2ndly, for the more entire satisfaction of Dissenters, facilities may be

given for providing burial-grounds in connection with their chapels.

This proposal, prominent in the Government Bill last year, was scouted by Nonconformists, and by Mr. Osborne Morgan on their behalf, on the score, forsooth, of the enormous cost. Cost to whom? Churchmen have provided their own burial-places, and Dissenters, when they seceded and built chapels, sometimes formed grave-yards also. They only partially provided for the completeness of their denominational organisation, and the Government propose to make the requisite provision now at the cost of the country, or of the district locally interested. Why does Mr. Osborne Morgan object to this? He observes, no doubt, that, although Dissenters contribute only fractionally to either rates or taxes, it would be for them still more economical to appropriate, without cost, the grave-yards of the Church; but this surely is not an argument that would approve itself to his clients. Churchmen, at any rate, see the matter in a different light; they will not surrender their own Churchyards, but they would cheerfully agree to bear their part in the burthen of an outlay which may remove the discomfort to which some of their fellow-subjects are exposed.

NOTE.—The Returns referred to (p. 4) are—

Report of Education Department	-	1871
Burials Parliamentary Paper, 560	-	1860
Registrar-General's Report for	-	1873
Army Parliamentary Paper, 170	-	1871
Navy Parliamentary Paper, 132	-	1876

SPEECH.

HOUSE OF COMMONS,

Friday, 15th February, 1878.

MR. J. G. HUBBARD, in rising to call attention to the Amendment which he had placed on the Paper, said, there could be no doubt as to the immense importance of the question which the Resolution of the hon. and learned Member for Denbigh raised ; and it was not because the alleged grievance was what was termed a sentimental one that it was less worthy of the most careful consideration by the House. The proposal of the hon. and learned Member had been presented to the House with great moderation and in a conciliatory spirit, and it was supported with skill and eloquence ; but it behoved them to consider how great the innovation suggested by the Resolution would be. That proposal involved a change in a law of great antiquity and of great importance—a law not only of the Church, but of the State also, which dated from the earliest ages in our national history. Both churches and churchyards had passed into the possession of the Church of England, not in the form of gifts from the State, but through the private munificence and piety of individual landowners, who provided the churches wherein to worship, and the churchyards wherein the remains of the worshippers might be laid. He was not afraid to acknowledge that parochial churchyards were properly called national. It was, indeed, deemed safer by some to contend that the churchyards belonged to the Church of England rather than to the nation ; but he knew no force in the distinction. Churchyards, like churches, were national because religious. They were altogether national in the truest sense, because they were given and instituted for religious purposes, and the moment they ceased to be appropriated to

religious purposes they would cease to be national. Accepting them, however, as national property in that sense, he would ask why this assault had been directed against those who were the legalized guardians of both the churches and of the churchyards? He was anxious to separate the consideration of the charges brought against the clergy in their regulation of the churchyards from the demand for a change in those regulations by law. The clergy had been charged with intolerance, tyranny, and bigotry because they had, on the one hand, refused to bury with the stipulated services of the Church those who had not been baptized; and, on the other hand, had insisted upon using the Burial Service at the interment of persons who had been baptized. The child of a Baptist was brought to the parish churchyard, and the clergyman refusing to use the Burial Service was reviled as bigoted and uncharitable. On another occasion the child of a Roman Catholic was brought for burial, and as the clergyman would read the Burial Service at its grave, a disturbance was created, and his conduct was branded as intolerant and tyrannical. In neither case had the clergyman a pretence for hesitation in his conduct. If he had taken upon himself to make a deviation in either respect from the direction of the law, he would have been subject to trial and punishment, not in virtue of any old canon law or antiquated statute, but of a law passed only three or four years ago—the Public Worship Regulation Act—for the purpose of introducing order and uniformity into the services of the Church. Clearly in those cases the responsibility rested not with the clergy, but with the law which they administered. [Mr. OSBORNE MORGAN: Hear, hear!] The number of difficulties arising from the refusal of the Burial Service were comparatively few; for there were only two sects in England—the Quakers and the Baptists—that did not baptize their children; and the Society of Friends were generally provided with burial-grounds of their own. It was to an alleged Baptist grievance that great prominence was given in the discussion on this question in an august assembly last year, when a noble Earl cited the case of Sir Morton Peto, who, having created and endowed a church and church-

yard, was, on the death of a beloved child, obliged to carry her corpse to a strange cemetery, because only a silent burial would have been permitted to her in the churchyard which he had presented to the Establishment. The story was almost wholly untrue, and this Lord Granville subsequently acknowledged, and he alluded to it, therefore, solely as an introduction to two remarks. The first was, that the list of grievances must be very scant when the grievance paraded as the most cruel and most effective never existed. The second remark was one of amazement at the use made by a most accomplished Liberal peer of this apocryphal history. For the argument founded upon it amounted to this—that an opulent Nonconformist, contributing many thousand pounds to the provision of a church or churchyard, was entitled to demand, on behalf of his own family, that the ritual, discipline, and doctrine of the National Church should be set at naught. Surely this argument implied a most degraded view, both of the character of the person assumed to make such a claim, and of the Church which could accept benefactions upon such terms? In this hypothetical grievance, sympathy had been challenged for a Baptist—would sympathy have been claimed as eagerly for a Roman Catholic proprietor, who, having for his tenants' sake re-built the church of the parish he possessed, claimed the right to have a celebration of the Mass at the interment of his child in the sepulchre of his ancestors? There was a great difference between grief and grievance. Grief was a pain occasioned by circumstances for which nobody was immediately responsible; grievance was a pain involving a sense of wrong against some person who was supposed, rightly or wrongly, to have originated the cause of complaint. In the days when the whole community were of one mind as to religious profession in this country, there could not have existed any grievance so far as the use of the churchyards was regulated by the laws in which Church and State concurred. Since then certain persons had separated themselves from the Church and formed Nonconformist sects; but they claimed, so far as the churchyards were concerned, the removal of the inconvenience they had incurred by their secession. He failed

to see that this inconvenience was a matter of which they had any just ground for complaint. No one denied their right to secede; but he did not think anyone could maintain their right to claim, after secession, the privilege of being provided with services in harmony with their own convictions, to the detriment of the Church. The proposal made by the hon. and learned Member last year was very different from that which he now brought forward. Last year he proposed that provision should be made for having in the churchyards "Christian, religious, and orderly services." These were the qualifying words which gained the assent of the venerable Earl of Harrowby, the Archbishop of Canterbury, and many other Peers. But those words were gone. The hon. and learned Member now made an entirely different proposal, and would admit every deceased person to the churchyard for burial without any service at all, or with such service as his surviving relatives might desire. They should not, therefore, confine their view of the future ministrations in the churchyard to those of the typical evangelical Nonconformist minister; the churchyard was to be thrown open to all. He asked the House to consider what was involved in that view. According to the organs of the Nonconformist party, what they demanded for their own ministers should be extended to Jews, Positivists, Secularists—in short, to all—the interment to be carried out with such service as the relatives of the deceased thought proper, or without any service whatever. To use the words of one eminent Nonconformist minister, they insisted on the rights, not of the ministers of their own churches only, but "on the rights of every Englishman, whether believer or unbeliever." Were the churchyards so thrown open, there would be no restraint whatever, so far as ceremonial was concerned. It was said that they might safely trust to the feelings of reverence which animated people on those occasions; but he was sorry to say there were a great many persons whose expressed opinions on the subject of life and of death caused great pain to those who held different views, and who would not scruple to ridicule at the grave the doctrine of the Resurrection, which was the very

foundation of the Christian faith. To the remark that the argument for the admission of Dissenters to the churchyard would have equal force in favour of their admission to the church, it had been replied—"The cases are not analogous—a man need not enter the church, but he must enter the churchyard when he dies." True, a man must die; but it is no question as to his admission to either church or churchyard—he was entitled to the use of either upon the terms of their foundation. The question was not as to the right of interment for the deceased, but as to a right in the survivors to abrogate the legal provision of minister and of service within the Church's precincts. And whom were the services for? He did not suppose the hon. and learned Member would say they were for the dead. The services were for the living—words of consolation and instruction for the living, given to them at the particular moment when they were most calculated to do good. Many a man and woman had been turned from thoughtlessness and sin by the Burial Service and the prayers which accompanied that very solemn ceremonial. The Burial Service was but one of the services imposed by the law upon the clergy of the Church of England. The series began with the Baptismal Service; it concluded with the service at the burial of the dead; but it, as well as the other services, were for and only for the living. The meaning of the whole movement—the motive of the whole matter—could be clearly traced. He saw by the newspapers that some few months since the hon. and learned Member for Denbighshire was presented with an address by his constituents, which they concluded by saying that their special gratitude and devotion were due to him because his agitation of the Burial Question had caused a great advance to be made towards religious equality; or, in other words, the disestablishment of the Church of England. He did not find that the hon. and learned Member had disclaimed the soft impeachment. Well, disestablishment meant robbing the poor man of his Church, and the poor man would not suffer that; he knew his own interest too well. The Church of England was the property of the poor man; it was founded

for him; its ministers were paid for him; and if it were taken from him he had not, as the wealthier classes, the means of providing himself with religious teachers and places for religious worship. The demand for a free use of the churchyard led logically to a demand for the free use of the church, and should the churchyard be surrendered and the church be asked for, and should those who now voted with the hon. and learned Member for Denbighshire shrink from a further aggression upon the Church, they would be told, and be told with truth—that they had surrendered the principle at stake by their vote on this occasion. Statesmen surely should be logical, and abstain from voting for changes grounded on arguments which would justify consequences they now eagerly deprecated. In the obligatory use of the Church Service, and in the occasional disability of Nonconformists to obtain the performance of a burial service by a minister of their own community, he frankly recognised a disadvantage—a distress—a grief—which he would gladly mitigate or remove; but he could not admit as expedient the proposition of the hon. and learned Member for Denbighshire, which, with the view of relieving a few Nonconformists, would inflict severe injury and pain upon the great National Church of England. Might he remind the House what had been already attempted in the way of relief. A few years since, the hon. and learned Member for Denbighshire brought in a Bill in which he specially provided for the correction of the hardship involved in “forcing the Burial Service of the Church upon reluctant ears,” and he supported the claim of the Nonconformists to the option of a silent burial with his accustomed earnestness. Well, in the Government Bill of last Session, the 74th clause was prepared for securing the omission of the Church Service to those who so desired; and how was that clause welcomed? It was denounced by Nonconformists as an insult, and was consequently withdrawn. Such a reception was not encouraging. Yet an adjustment of the law of burial, combining the alternatives of (1) the Church Service, (2) an abridged service, and (3) a silent burial, could, he believed, be effected in relation to the existing churchyards. The provision of addi-

tional graveyards, either in connection with such religious communities as desired them, or as public cemeteries, would complete whatever measure of relief could reasonably be required. The Resolution before the House invited it to declare that the long-pending controversy on this subject should be closed. That event was one for the hon. and learned Member for Denbighshire and his friends to ensure by ceasing their contention; it would not be attained by Churchmen surrendering the inviolability of the sacred resting places of their beloved dead. He regarded this controversy as one of the instruments through which the political parties acting with the Nonconformists of this country were endeavouring to make their existence felt, aiming at the ultimate consummation of their hopes in the destruction of the Church of England. That was the policy Nonconformists had in view when they, year after year, laboured for the abolition of the church rates. They succeeded then, and he wondered they did not now blush for the result. Having disburthened themselves of the care of churchyards, they now asked to use them for nothing. He would tell hon. gentlemen opposite that they would fight this question as often as they chose to challenge them, and that they had not the slightest idea of giving in. They believed that, the more the question was before the country, the better it would be understood in its right light, and it would then be seen that this attack upon the parochial churchyards was a violation of the principle of religious liberty—a blessing not to be confined to those who were dissentients from the National Church. His reply to the Motion before the House he begged to express in the words of his Amendment—

That Englishmen exercising their religious liberty in separating from the Established Church are justly free to provide themselves with places for worship and for burial with such ceremonial as they approve; but have no right to require changes in the regulation of parochial churchyards which would impair the legal security for their orderly and religious use agreeably with the purposes of their foundation.







